

MONDAY, APRIL 17, 1995

THIRTY-FOURTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend Robert Tyson, First Baptist Church, Middleton, Tennessee.

Representative Walley led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present ..... 96

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Jackson; business reasons.

PRESENT IN CHAMBER

Representative(s) Chumney was/were recorded as being present in the Chamber.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 45:** Rep(s). Miller, Garrett, Langster, Purcell, West, Armstrong, Towns, Halteman Harwell, Brown and Robinson as prime sponsor(s).

House Bill No. 835: Rep(s). McDonald and Eckles as prime sponsor(s).

House Bill No. 1215: Rep(s). Eckles as prime sponsor(s).

House Bill No. 1216: Rep(s). Eckles as prime sponsor(s).

**ENROLLED BILLS**

**April 17, 1995**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 383, 492, 667, 679, 1030, 1494, 1846, 1866, 1870 and 1871; House Joint Resolution(s) No(s). 5, 203, 205, 207, 208 and 209; also, House Resolution(s) No(s). 46, 47, 48 and 49.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 17, 1995**

The Speaker signed the following: House Bill(s) No(s). 383, 492, 667, 679, 1030, 1494, 1846, 1866, 1870 and 1871; House Joint Resolution(s) No(s). 5, 203, 205, 207, 208 and 209; also, House Resolution(s) No(s). 46, 47, 48 and 49.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 17, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 42, 142, 158, 161, 162 and 163; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 42** -- Memorials, Government Officials -- Directs department of environment and conservation, division of archaeology, to develop plan regarding significant shipwreck sites in Tennessee. by \*Womack.

**\*Senate Joint Resolution No. 142** -- Memorials, Government Officials -- Memorializes department of veterans affairs to establish State Veterans Cemetery in Tennessee to serve Fort Campbell. by \*Rice, \*Hamilton.

**Senate Joint Resolution No. 158** -- Memorials, Professional Achievement -- Peggy Tackett, Public Health Worker of the Year. by \*Rice.

**Senate Joint Resolution No. 161** -- Memorials, Academic Achievement -- Macon County High School Interact Club. by \*Burks.

**Senate Joint Resolution No. 162** -- Memorials, Sports -- Joseph Amonett, Pickett County High School basketball player. by \*Burks.

Senate Joint Resolution No. 163 -- Memorials, Sports -- 1994-1995 Pickett County High School boys' basketball team, TSSAA Class A state champions. by \*Burks.

#### RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 19, 1995:

House Resolution No. 51 -- Memorials, Professional Achievement--Dr. Harold Vann, Tennessee Medical Association Distinguished Service Award. by \*McMillan.

House Joint Resolution No. 230 -- Memorials, Sports -- 1994-1995 Shelbyville High School girls' basketball team, TSSAA state champions. by \*Phillips.

House Joint Resolution No. 232 -- Memorials, Professional Achievement -- Charlotte W. Collins, 1995 Nelson Mandela Award for Health and Human Rights. by \*DeBerry J, \*DeBerry L, \*Turner (Shelby), \*Brooks, \*Miller L, \*Towns, \*Byrd, \*Chumney, \*Jones R (Shelby).

House Joint Resolution No. 233 -- Memorials, Recognition and Thanks -- Dennis Prince, Tennessee Southern Railroad, Inc. by \*Napier.

House Joint Resolution No. 236 -- Memorials, Personal Occasion -- Arnold and Sue Wyrick, 30th wedding anniversary. by \*Windle.

House Joint Resolution No. 239 -- Memorials, Professional Achievement--Dr. David Dodd, Outstanding Physician of the Year. by \*Eckles.

#### SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 19, 1995:

Senate Joint Resolution No. 158 -- Memorials, Professional Achievement -- Peggy Tackett, Public Health Worker of the Year. by \*Rice.

Senate Joint Resolution No. 161 -- Memorials, Academic Achievement -- Macon County High School Interact Club. by \*Burks.

Senate Joint Resolution No. 162 -- Memorials, Sports -- Joseph Amonett, Pickett County High School basketball player. by \*Burks.

Senate Joint Resolution No. 163 -- Memorials, Sports -- 1994-1995 Pickett County High School boys' basketball team, TSSAA Class A state champions. by \*Burks.

#### INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1842** -- County Officers -- Removes law enforcement power and authority from constables in Montgomery County. Amends TCA 8-10-101; 8-10-108; 55-8-152; 57-5-202; 57-9-101. by \*Head, \*McMillan.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

**\*Senate Bill No. 382** -- Employees, Employers -- Provides civil immunity to employer who, in response to reference request about current or former employee, supplies fair and unbiased information. TCA Title 50, Chapter 1. by \*Haun, \*Fowler.

**Senate Bill No. 396** -- Taxes, Sales -- Exempts agri-sawdust from sales and use taxes. Amends TCA Title 67, Chapter 6, Part 3. by \*Burks, \*Rochelle.

**Senate Bill No. 444** -- Education, Higher -- Creates Tennessee Student Employment Incentive Program to subsidize employment of college students by private businesses. Amends TCA Title 49. by \*Rochelle, \*Womack, \*McNally, \*Crowe, \*Elsea, \*Leatherwood, \*Henry, \*Carter, \*Rice, \*Kyle, \*Haynes, \*Springer, \*Hamilton, \*Miller J.

**\*Senate Bill No. 490** -- Sunset Laws -- Personnel recruiting services board, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 62, Chapter 31. by \*Haynes.

**\*Senate Bill No. 953** -- Environment and Conservation, Department of -- Adds one additional member to air pollution control board, to be appointed from residents of Wilson County. Amends TCA Section 68-201-104. by \*Rochelle.

**\*Senate Bill No. 954** -- Environmental Preservation -- Establishes waiver for vehicles which fail emissions testing on second attempt after unsuccessful repairs costing at least \$250. Amends TCA Title 55, Chapter 4, Part 1 and Title 68, Chapter 201, Part 1. by \*Rochelle, \*Wright.

**\*Senate Bill No. 1093** -- Gas, Petroleum Products, Volatile Oils -- Empowers division of energy to promote research and development of collection, conversion and use of methane gas. Amends TCA Title 4, Chapter 3, Part 7. by \*Crutchfield.

**\*Senate Bill No. 1321** -- General Assembly -- Establishes toll-free telephone service for citizens to call general assembly in order to give or receive information on pending legislation. Amends TCA Title 3, Chapter 1, Part 1. by \*Cohen, \*Crowe, \*Kyle, \*Wright, \*Rice, \*Miller J, \*Fowler, \*Haun, \*Carter, \*Holcomb, \*McNally.

**Senate Bill No. 1337** -- Domestic Violence -- Authorizes judge to establish conditions of bail against person charged with domestic violence; provides that petitioner can apply for, receive, and enforce

order of protection at no cost regardless of income; creates rebuttable presumptions against perpetrator of domestic violence in matter of child custody and visitation. Amends TCA Title 36, Chapter 3, Part 6; Title 36, Chapter 6 and Title 40, Chapter 11. by \*Burks.

**\*Senate Bill No. 1431** -- Alcoholic Beverages -- Redefines Class B county to include counties having metropolitan form of government and those governed by charter form of government, which include Knox and Shelby counties, for beer permit purposes. Amends TCA Section 57-5-103. by \*Gilbert, \*McNally, \*Atchley.

**\*Senate Bill No. 1560** -- Sentencing -- Requires administrators of local jails to publish method by which jail calculates service of hour, day or month for persons serving criminal sentence on noncontinuous days; provides that first 48 hours of any sentence that may be served on non-consecutive days must be served hour for hour. Amends TCA Title 40, Chapter 35. by \*Kyle.

**Senate Bill No. 1814** -- Hamilton County -- Subject to local approval, creates two new divisions of general sessions court. Amends Chapter 6, Private Acts of 1941, as amended. by \*Crutchfield, \*Fowler.

#### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1879** -- Gibson County -- Local Bill Held on House Desk

**House Bill No. 1880** -- Gibson County -- Local Bill Held on House Desk

**House Bill No. 1881** -- Fayette County -- Local Bill Held on House Desk

**House Bill No. 1882** -- Ripley -- Local Bill Held on House Desk

#### CONSENT CALENDAR

**House Bill No. 1011** -- Election Laws -- Reduces from 100 to 25 number of signatures required for qualifying petition for election as delegate to national convention of political party. Amends TCA Title 2, Chapter 13. by \*Ridgeway, \*Purcell (\*SB1300 by \*O'Brien).

**House Bill No. 1094** -- Water Pollution -- Allows members of the water quality control board to serve more than two consecutive terms. Amends TCA Section 69-3-104(9). by \*Napier (\*SB1233 by \*Jordan).

On motion, House Bill No. 1094 was made to conform with **Senate Bill No. 1233**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 12** -- Criminal Procedure -- Makes state liable for costs that have accrued in criminal misdemeanor prosecution where

conviction has been reversed by appellate court. Amends TCA Title 40, Chapter 25, Part 1. by \*Walley (SB533 by \*Rochelle).

**House Bill No. 1655** -- Metropolitan Government -- Defines "competitive bidding" under metropolitan charter for purchases in excess of \$1,000; lists requirements for use of bidding process. Amends TCA Title 7, Chapter 3. by \*Pruitt, \*West (\*SB1689 by \*Haynes).

On motion, House Bill No. 1655 was made to conform with **Senate Bill No. 1689**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 1148** -- Highway Signs -- Trinity Music City U.S.A., I65 and Vietnam Veterans Boulevard (State Route 386). by \*Stamps (SB1493 by \*Wright, \*Womack).

On motion, House Bill No. 1148 was made to conform with **Senate Bill No. 1493**; the Senate Bill was substituted for the House Bill.

**House Bill No. 95** -- Highway Signs -- "Walter Hill Veterans Memorial Bridge," Rutherford County. by \*Bragg, \*Eckles (\*SB50 by \*Womack, \*Kyle).

On motion, House Bill No. 95 was made to conform with **Senate Bill No. 50**; the Senate Bill was substituted for the House Bill.

**House Bill No. 902** -- Highway Signs -- "Bishop J.O. Patterson, Sr. Memorial Parkway," I40/I-240, Shelby County. by \*Miller L, \*DeBerry L, \*Towns, \*Jones U (Shelby), \*Bowers (\*SB911 by \*Dixon, \*Wilder, \*Kyle, \*Ford, \*Henry, \*O'Brien, \*Crutchfield).

On motion, House Bill No. 902 was made to conform with **Senate Bill No. 911**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1713** -- Election Laws -- Permits Shelby County election commission to establish policy permitting use of voting machines by group of citizens. Amends TCA Section 2-9-116. by \*Miller L (\*SB1732 by \*Dixon).

**House Resolution No. 45** -- Naming and Designating -- "Elks Week in Nashville," April 21-26, 1995. by \*Pruitt, \*Miller L, \*Garrett, \*Langster, \*Purcell, \*West, \*Armstrong, \*Towns, \*Halteman Harwell, \*Robinson, \*Brown.

**House Joint Resolution No. 163** -- General Assembly, Confirmation of Appointment -- L. Earl Bentz, Wildlife Resources Commission. by \*Halteman Harwell.

**House Joint Resolution No. 164** -- General Assembly, Confirmation of Appointment -- Dr. Winston Pannell, Wildlife Resources Commission. by \*Westmoreland.

**House Joint Resolution No. 165** -- General Assembly, Confirmation of Appointment -- John F. Smolko, Jr., Wildlife Resources Commission. by \*Kent, \*Bittle.

**House Bill No. 1865** -- Oakdale -- Subject to local approval, revises city charter. Amends Chapter 587 of the Private Acts of 1911, as amended. by \*Windle (SB1851 by \*O'Brien).

**House Bill No. 1878** -- Spring Hill -- Subject to local approval, expands rights available to certain property owners. by \*Napier, \*White (SB1867 by \*Jordan).

**House Joint Resolution No. 227** -- Memorials, Sports -- Avoca All-Star baseball team, Southeast Regional Tournament champions. by \*Ramsey.

**House Joint Resolution No. 228** -- Memorials, Public Service -- Rita Young. by \*Lewis.

**Senate Joint Resolution No. 155** -- Memorials, Recognition and Thanks -- Alan Howell and Dixie Barbeque Company, Inc. by \*Crowe.

**Senate Joint Resolution No. 157** -- Memorials, Sports -- 1994-1995 Hickman County High School girls' basketball team. by \*Springer.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

#### REGULAR CALENDAR

**House Bill No. 1284** -- Election Laws -- Increases base minimum yearly salary of any registrar at large in Davidson or Shelby County from 65 to 80 percent of salary of such county's assessor of property. Amends TCA 2-12-208. by \*West (\*SB855 by \*Person).

Further consideration of House Bill No. 1284, previously considered on March 23, 1995, and reset for today's Calendar.

Rep. West moved that House Bill No. 1284 be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 1455** -- Autopsies -- Authorizes county medical examiner to perform autopsy on body in cases involving homicide, suspected homicide, suicide, or suspicious death. Amends TCA Title 38, Chapter 7. by \*Stulce (\*SB202 by Crutchfield).

Rep. Stulce moved that **House Bill No. 1455** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Westmoreland -- 1.

A motion to reconsider was tabled.

**House Bill No. 503** -- Courts, Juvenile -- Abolishes determinate sentencing of juveniles in juvenile courts; applies prospectively; affects only sentences imposed after effective date. Amends TCA 371-137. by \*Buck (\*SB14 by \*Person) .

Rep. Buck moved that House Bill No. 503 be reset to the Calendar for Monday, April 24, 1995, which motion prevailed.

**House Bill No. 86** -- Traffic Safety -- Creates offense of transporting child under age of 12 in back of pickup truck, except in parades or for agricultural purposes; offense is Class C misdemeanor. Amends TCA Title 55, Chapter 8, Part 1. by \*Bragg (\*SB41 by \*Cooper).

On motion, House Bill No. 86 was made to conform with **Senate Bill No. 41**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 41 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 2.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 3 as follows:



**Amendment No. 3**

AMEND Senate Bill No. 41 in subsection (a) of the amendatory language of Section 1 by inserting the language " open or uncovered" between the language " twelve (12) in the" and " bed of a truck" .

On motion, Amendment No. 3 was adopted.

Rep. Bragg moved that **Senate Bill No. 41**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes .....	42
Noes .....	45
Present and not voting .....	8

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Bragg, Brown, Burchett, Byrd, Cantrell, Chumney, Cross, DeBerry, J., DeBerry, L., Eckles, Fowlkes, Halteman Harwell, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kisber, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Odom, Patton, Pruitt, Rigsby, Ritchie, Robinson, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Mr. Speaker Naifeh -- 42.

Representatives voting no were: Bird, Bowers, Callicott, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, Duer, Dunn, Fitzhugh, Ford, Garrett, Givens, Gunnels, Haley, Hargrove, Herron, Hicks, Huskey, Kent, Kerr, Lewis, Miller, Newton, Peach, Phelan, Phillips, Purcell, Ramsey, Rhinehart, Rinks, Roach, Sharp, Shirley, Towns, Walley, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood -- 45.

Representatives present and not voting were: Bell, Boyer, Brooks, Buck, Coffey, Hassell, Langster, Pinion -- 8.

Having failed to receive a constitutional majority, **Senate Bill No. 41** was re-referred to the Committee on Calendar and Rules, which motion prevailed.

**\*House Bill No. 97** -- Gas, Petroleum Products, Volatile Oils -- Deletes requirement that commissioner of agriculture make annual report on kerosene and motor fuel quality to governor and general assembly. Amends TCA 47-18-1310. by \*Bragg(SB93 by \*Womack).

On motion, House Bill No. 97 was made to conform with **Senate Bill No. 93**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 93 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 93 by deleting Section 1 in its entirety and by substituting instead the following as a new Section 1:

SECTION 1. Tennessee Code Annotated, Section 47-18-1310, is amended in the first sentence of the section by deleting the language "to each member of the general assembly" and by substituting instead the language "to the chairs of the house and senate transportation committees of the general assembly".

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved that **Senate Bill No. 93**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 93 and have this statement entered in the Journal: Rep(s). Kisber.

#### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 1215** -- Education -- Authorizes suspension of school students based on off-campus criminal behavior; requires one year minimum expulsion for possession of weapon on campus. Amends TCA Section 49-6-3401. by \*McMillan, \*Stulce, \*Fitzhugh (SB93 by \*Womack).

Rep. McMillan moved that House Bill No. 1215 be reset to the Calendar for Monday, April 24, 1995, which motion prevailed.

**House Bill No. 1216** -- Teachers -- Allows local education agency to provide for additional benefits for teachers injured due to assault or attack while in course of employment over and above workers' compensation benefits presently granted. Amends TCA 49-5-714. by \*McMillan, \*Winningham, \*Davidson, \*Pinion, \*Towns, \*Whitson, \*Bell, \*Davis, \*Curtiss, \*Stulce, \*Boyer, \*Patton, \*Brown (\*SB1344 by \*Burks).

On motion, House Bill No. 1216 was made to conform with **Senate Bill No. 1344**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 1344 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1344 by deleting from Section 1 the word "inured" and substituting instead the word "injured" .

On motion, Amendment No. 1 was adopted.

Rep. Jones U (Shelby) moved the previous question, which motion prevailed.

Rep. McMillan moved that **Senate Bill No. 1344**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 835** -- Environmental Preservation -- Establishes waiver for vehicles which fail emissions testing on second attempt after unsuccessful repairs costing at least \$250. Amends TCA Title 55, Chapter 4, Part 1 and Title 68, Chapter 201, Part 1. by \*Beavers, \*Bell, \*Stamps, \*Callicott, \*Bragg, \*Davidson (\*SB954 by \*Rochelle, \*Wright).

On motion, House Bill No. 835 was made to conform with **Senate Bill No. 954**; the Senate Bill was substituted for the House Bill.

Rep. Beavers moved that Senate Bill No. 954 be passed on third and final consideration.

On motion, Rep. Napier withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Beavers moved that **Senate Bill No. 954** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0
Present and not voting .....	5

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Armstrong, Lewis, Rigsby, Ritchie, Tindell -- 5.

A motion to reconsider was tabled.

**\*House Bill No. 695** -- Telecommunications -- Revises regulation of telecommunications service provider by public service commission; requires competition among providers to be made fair by requiring all regulation be applied impartially and without discrimination. Amends TCA Title 65, Chapter 4, Parts 1 and 2 and Title 65, Chapter 5, Part 2. by \*Bragg, \*Jackson, \*Robinson, \*Napier, \*Bell, \*Wood, \*Davidson, \*Pinion, \*McAfee, \*Ford S (SB891 by \*Rochelle, \*Henry, \*Atchley, \*Rice, \*Hamilton).

Rep. Bragg moved that House Bill No. 695 be reset to the Calendar for Wednesday, April 26, 1995, which motion prevailed.

**House Bill No. 1125** -- Motor Vehicles, Titling and Registration -- Provides for issuance of special license plates for disabled drivers or placards for disabled passengers to persons experiencing difficulty in walking and seeking treatment solely by prayer in practice of religion of First Church of Christ, Scientist as certified by Christian Science practitioner. Amends TCA Title 55, Chapter 21. by \*Venable (\*SB687 by \*Holcomb).

Rep. Venable moved that **House Bill No. 1125** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	86
Noes .....	0
Present and not voting .....	7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole

(Carter), Cole (Dyer), Cross, Curtiss, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives present and not voting were: Davidson, Haley, Hargrove, McAfee, Tindell, Turner (Hamilton), White -- 7.

A motion to reconsider was tabled.

#### MESSAGE CALENDAR

#### HOUSE ACTION ON SENATE AMENDMENTS

\*House Bill No. 89 -- Election Laws -- Enacts "Campaign Contribution Limits Act of 1995." Amends TCA Title 2, Chapter 10; Title 3, Chapter 6. Amends TCA. by \*Kisber, \*Byrd, \*Rinks, \*Hargrove, \*Naifeh, \*DeBerry L, \*Ridgeway, \*Cole (Dyer), \*Lewis, \*Pinion, \*West, \*Turner (Ham), \*Bell, \*White, \*McDonald, \*Fitzhugh, \*Purcell, \*Brown, \*Herron, \*McMillan, \*Chumney, \*Haley, \*Tindell, \*Ford S, \*Cantrell, \*Bittle, \*Sharp, \*Stamps, \*Halteman Harwell, \*McDaniel, \*Patton, \*Ramsey, \*Burchett, \*Whitson, \*Jones, S., \*Walley, \*Brooks, \*Ritchie, \*Givens, \*Joyce, \*Jackson, \*Wood, \*Bragg, \*Cross, \*Winningham, \*Cole (Carter), \*Kent, \*Fowlkes, \*Eckles, \*Curtiss, \*Odum, \*Callicott, \*Duer, \*Stulce, \*McAfee, \*Boyer, \*Williams (Union) (SB79 by \*Cooper, \*Gilbert, \*Cohen, Springer, \*O'Brien, \*Haynes, \*Kyle).

#### Senate Amendment No. 1

AMEND House Bill No. 89 by deleting all the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 10, is amended by adding the following as a new part 3:

#### SECTION 2-10-301.

(a) This part shall be known and may be cited as the "Campaign Contribution Limits Act of 1995".

(b) The registry of election finance shall have the jurisdiction to administer and enforce the provisions of this part.

#### SECTION 2-10-302.

(a) No person shall make contributions to any candidate with respect to any election which, in the aggregate, exceed:

- statewide election,  
hundred dollars (\$2,500);
- (1) for an office elected by  
two thousand five
- district  
public defender, circuit court  
criminal court judge, chancellor, circuit court  
clerk and criminal court clerk, one thousand five  
hundred dollars (\$1,500);
- (2) for the offices of state senate,  
attorney general, district  
judge,
- (3) for the office of state house of  
representatives, five hundred dollars  
(\$500);
- (4) for any other local public  
office, five hundred  
election is held in a county of class  
6, 7 or 8 as defined in Section 8-24-101, one  
thousand dollars (\$1,000) if the election is held in a  
county of class 3, and one thousand five hundred  
dollars (\$1,500) if the election is held  
in a county of  
class 1 or 2; and
- (5) for any delegate to a Tennessee  
constitutional convention, one  
thousand five hundred  
if the convention has thirty-three (33)  
delegates or less and five hundred dollars (\$500)  
otherwise.
- (b) No multi-candidate political campaign  
shall make contributions to any  
election which,  
committee  
candidate with respect to any  
in the aggregate, exceed:
- (1) for an office elected by  
statewide election,  
(\$10,000);  
ten thousand dollars
- (2) for the offices of state senate,  
attorney general, district  
judge,  
district  
public defender, circuit court  
criminal court judge, chancellor, circuit court  
clerk and criminal court clerk, six thousand dollars  
(\$6,000); and
- (3) for the office of state house of  
representatives, two thousand dollars  
(\$2,000);
- (4) for any other local public  
office, two  
(\$2000) if the election is held in a  
county of class 4, 5, 6, 7 or 8 as defined in Section 8-  
24-101, four thousand dollars (\$4,000) if the  
election is  
six thousand dollars  
held in a county of class 3, and  
(\$6,000) if the

election is held in a county of class 1 or  
2; and

(5) for any delegate to a Tennessee  
constitutional convention, six  
thousand dollars (\$6,000) if the convention has  
thirty-three (33) delegates or less and  
two thousand dollars (\$2,000) otherwise.

(c) No candidate shall make contributions  
to his own election using personal funds  
with respect to any election which, in the  
aggregate, exceed:

(1) for an office elected by  
statewide election, two hundred thousand  
dollars (\$200,000); and

(2) for any other state or local  
public office, twenty thousand dollars  
(\$20,000).

(d) The following aggregate limits for  
each election shall be imposed on  
contributions received by each candidate for  
the following offices from multi-candidate political  
campaign committees:

\$20,000	(1) State House of Representatives
	(2) State Senate
40,000	
	(3) Public Service Commission
100,000	
	(4) Governor
500,000.	

In determining the aggregate limits established  
by this subsection, contributions made to a  
candidate by a committee controlled by a  
political party on the national, state, or local level or  
by a caucus of such political party established by members of  
either house of the general assembly are included  
except as provided in §2-10-306(b).

SECTION 2-10-303. For purposes of the limitations  
contained in this part:

(a) Contributions made to any political  
campaign committee authorized by a candidate to  
accept contributions on the candidate's behalf  
shall be considered to be contributions  
made to such candidate;

(b) Contributions made by a political  
campaign committee authorized by a

candidate to make expenditures on the  
candidate's behalf shall be considered contributions made  
by such candidate;

(c) All contributions made by a person,  
either directly or indirectly, on behalf of a  
particular candidate, including contributions  
which are in any way earmarked or otherwise  
directed through an intermediary or conduit to  
such candidate, shall be treated as contributions  
from such person to such candidate. The  
intermediary or conduit shall report the  
original source and the intended recipient of such  
contribution to the registry of election finance  
and to the intended recipient;

(d) All contributions made by affiliated  
campaign committees shall be  
political considered to have been made by a single  
committee;

(e) Expenditures made by any person in  
cooperation, consultation, or concert with, or at  
the request or suggestion of, a candidate, the  
candidate's political campaign committees, or  
their agents, shall be considered to be a  
contribution to such candidate. For purposes of  
this subsection, the financing by any person of  
the dissemination, distribution, or  
republication, in whole or in part, of any  
broadcast or any written, graphic, or other form  
of campaign materials prepared by the candidate,  
the candidate's political campaign committees, or  
their authorized agents shall be considered to be  
an expenditure; and

(f) Any expenditures made on behalf of a  
candidate by a political campaign committee  
controlled by a political party on the national,  
state, or local level or by a caucus of such  
political party established by members of either house of the  
general assembly, whether advocating election of  
a candidate or the defeat of a candidate's  
opponent, are deemed to be authorized by the  
candidate, and such expenditures shall count as  
contributions with respect to the limits established by this  
part.

SECTION 2-10-304.

(a) The limitations contained in this part  
shall not apply to any loan of money by a financial  
institution as defined in Section 45-10-102(3)  
that:

(1) Is made in accordance with  
applicable law and in the ordinary course  
of business;



(2) Is made on a basis reasonably  
designed to assure repayment, evidenced  
by a written instrument, and subject to a  
payment due date or amortization  
schedule; and

(3) Bears the usual and customary  
interest rate of the lending institution.

(b) An endorsement or guaranty of a loan  
made pursuant to subsection (a) shall be  
considered a contribution in the amount of the  
endorsement or guaranty and shall be subject to  
the limitations contained in this part. Where the  
written instrument does not specify the portion of the loan for  
which the endorser or guarantor is liable, each  
endorser or guarantor shall be considered to have  
made a contribution in that proportion of  
the unpaid balance that each endorser or  
guarantor bears to the total number of endorsers or guarantors.

SECTION 2-10-305.

(a) The limits contained in this part  
shall not apply to:

(1) The retention of funds by a  
candidate pursuant to Section 2-10-  
114(a)(1); or

(2) the transfer of funds by a  
candidate pursuant to Section 2-10-  
114(a)(1) to a campaign fund of the  
same candidate for election to a different state  
or local public office.

(b)

(1) The transfer of funds from a  
candidate's campaign committee or  
account for a federal election to his or her  
principal campaign committee or other  
authorized committee for a non-federal election in  
Tennessee is prohibited. However, at the option of the  
federal committee, the federal  
committee may refund contributions and may  
coordinate arrangements with the  
candidate's principal campaign committee or other  
authorized committee for a solicitation by such  
committee(s) to the same contributors. The full  
cost of this solicitation shall be paid by the  
non-federal committee.

(2) The General Assembly recognizes  
that the Federal Election Commission has  
promulgated the rule at 11 C.F.R.  
110.3(d), which prohibits the transfer of  
non-federal election campaign funds to federal election  
campaigns. In the event that this rule should be

deleted or repealed, this subsection (b) will  
be rendered null and void.

SECTION 2-10-306.

(a) All contributions made by political  
campaign committees controlled by a  
political party on the national, state, or  
local level or by a caucus of such political party  
established by members of either house of the general  
assembly shall be considered to have been made by a  
single committee. Such contributions shall  
not, in the aggregate, exceed:

(1) Ten thousand dollars (\$10,000)  
per election to any candidate for the  
State House of Representatives;

(2) Twenty thousand dollars (\$20,000)  
per election to any candidate for the  
State Senate;

(3) Fifty thousand dollars (\$50,000)  
per election to any candidate for the Public  
Service Commission;

(4) Two hundred fifty thousand  
dollars (\$250,000) per election to  
any candidate for governor;

(b) For purposes of this section  
contributions shall not include:

(1) Payment of the costs of  
preparation, display or mailing or other  
distribution with respect to printed slate  
cards, sample ballots, or other printed listings of  
three (3) or more candidates who are opposed for  
election. This exemption shall not apply to costs  
incurred with respect to the

preparation and display of listings made on  
broadcasting stations or in  
newspapers, magazines and similar types of general  
public political advertising such as billboards;

(2) Payment of the costs of voter  
registration and get-out-the-vote  
activities conducted by party  
committees, unless the payments are made on behalf of  
a clearly identified candidate and the payment can be  
directly attributed to that candidate;

(3) Expenditures for rent,  
personnel, overhead, general  
administrative, fundraising, and other day-  
to-day costs of party committees, unless  
the expenditures are made on behalf of a  
clearly identified candidate and the

expenditure can be directly attributed to that candidate;

or

(4) Expenditures for education seminars and for training of campaign workers, unless the expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate.

SECTION 2-10-307. A contribution made or accepted in excess of the limitations established by this part shall not be a violation of this part if the candidate or the political campaign committee returns or refunds the contribution to the person who made the contribution when the next disclosure report is filed. The receipt of such excess contributions and their return shall be disclosed on such report. The registry may request documented proof of compliance of such return or refund of a contribution made or accepted in excess of the limitations established by this part.

SECTION 2-10-308.

(a) The registry of election finance may impose a maximum civil penalty for a violation of this part of not more than ten thousand dollars (\$10,000) or one hundred fifteen percent (115%) of the amount of all contributions made in excess of the limitations established by this part, whichever is greater.

(b) Penalties imposed under this part shall be deposited into the state general fund.

(c) To request a waiver or reduction or in any way to contest a penalty imposed by the staff of the registry, a person shall file a petition with the registry. Such petition shall be considered as a contested case proceeding under the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 2-10-309. In determining issues arising in regard to this act, the registry may rely on the precedents established under the federal law.

SECTION 2. Tennessee Code Annotated, Section 2-10-102, is amended by deleting the fifth word in the section, "part", and substituting in its place the word "chapter".

SECTION 3. Tennessee Code Annotated, Section 2-10-102, is amended by adding the following new subdivisions to be appropriately designated:

( ) " Affiliated political campaign committees" means political campaign committees established, financed, maintained, or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons.

(A) All committees established, financed, maintained or controlled by a single corporation and/or its subsidiaries shall be affiliated political campaign committees.

(B) All committees established, financed, maintained or controlled by a single national or international union and/or its local unions or other subordinate organizations shall be affiliated political campaign committees.

(C) All committees established, financed, maintained or controlled by an organization of national or international unions and/or all its state and local central bodies shall be affiliated political campaign committees, but such committees shall not be affiliated with the political campaign committees established, financed, maintained or controlled by any union that is a member of the organization.

(D) All committees established, financed, maintained or controlled by a membership organization, other than political party committees, including trade or professional associations and/or related state and local entities of that organization or group shall be affiliated political campaign committees.

(E) All committees established, financed, maintained or controlled by the same person or group of persons shall be affiliated political campaign committees.

(F) Owners, officers, employees, members or other individuals associated with any corporation, labor organization, membership organization, or any other person or group of persons that has established, financed, maintained or controlled a political campaign committee shall not be considered affiliated with such political campaign committee.

( ) " Personal funds" means:

(A) any assets which the candidate had legal right of access to or control over at the time he or she became a candidate and with respect to which the candidate had either (i) legal and rightful title, or (ii) an equitable interest;

(B) salary and other earned income from  
employment; dividends and proceeds  
bona fide from the sale of the candidate's stocks or other  
investments; bequests to the candidate;  
income from trusts established before candidacy;  
income from trusts established by bequest after candidacy of  
which the candidate is the beneficiary; gifts of  
a personal nature which had been  
customarily received prior to candidacy;  
and

(C) that portion of assets jointly owned  
candidate's spouse which is the  
with the candidate's share under the instruments of  
conveyance or ownership. If no specific share  
is indicated by such instrument, the value of one-half (1/2) of  
the property used shall be considered as personal  
funds.

SECTION 4. Tennessee Code Annotated, Section 2-10-205,  
is amended by deleting the word " and" at the end of  
subsection (2), by deleting the period "." at the end of  
subsection (3) and substituting in its place the punctuation  
and word "; and" , and by adding the following as a new  
subsection:

(4) The " Campaign Contribution Limits Law,"  
compiled in part 3 of this chapter.

SECTION 5. Tennessee Code Annotated, Section 2-10-  
207(1), is amended by deleting the word " part" and by  
substituting instead the word " chapter" .

SECTION 6. Tennessee Code Annotated, Section 2-10-  
207(7), is amended by deleting the word " and" between the  
words " chapter 6" and the word " the" and by adding  
between the words " part 5" and the semicolon ";" the  
words " and the Campaign Contribution Limits Act, compiled  
in part 3 of this chapter" .

SECTION 7. Tennessee Code Annotated, Section 2-10-  
207(3), is amended by deleting the language " the  
appropriate disclosure statutes" and by substituting instead the  
language " this chapter and the Conflict of  
Interest Disclosure Law, compiled in title 8, chapter 50, part  
5" .

SECTION 8. Tennessee Code Annotated, Section 3-6-108,  
is amended by adding the following new subdivision  
to be appropriately designated:

( ) No lobbyist shall make a contribution to any  
candidate for the office of governor, member of the  
general assembly or public service commission.

SECTION 9. Tennessee Code Annotated, Section 2-10-  
105(c)(1), is amended by adding the following sentence at  
the end of that subsection:

Each independent candidate for a state or local public office, which office has a primary election, shall file all primary reports required by this subsection, even though such independent candidate is not included on the ballot in such primary election.

SECTION 10. Tennessee Code Annotated, Section 2-10-110, is amended by adding the following new subsection (d) and by relettering the present subsection (d) accordingly:

A candidate for state or local public office who fails to file any statement or report required by this part shall be ineligible to qualify for election to any state or local public office until such statement or report is filed with the registry and/or the appropriate county election commission.

SECTION 11. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_. (a) Except to the extent permitted below, after the general election, or the primary election with respect to a losing primary candidate, a candidate for election to local, state, or federal office in that election shall not solicit or accept contributions from any source for the purpose of retiring a personal loan or loan guaranteed by the candidate incurred in the election campaign or use contributions received after the election to retire such personal loan or loan guaranteed by the candidate. Notwithstanding this limitation, any such candidate may solicit or accept contributions for not more than fifteen thousand dollars (\$15,000) within sixty (60) days of the final election to retire such loan.

(b) This section shall be prospective only in application and shall not apply to election campaigns or debt incurred prior to the effective date of this act.

SECTION 12. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following new section:

(a) From January 1 of each year to the earlier of May 15 or the conclusion of the annual legislative session, a political campaign committee controlled by a political party on the national, state, or local level or by a caucus of such political party established by members of either house of the general assembly may not conduct a fundraiser for the benefit of any candidate for or member of the general assembly.

(b) From January 1 of each year to the earlier of May 15 or the conclusion of the annual legislative session, a member or a candidate for the general assembly or a member's or a candidate's

campaign committee may not conduct a fundraiser for the benefit  
of any member or candidate for the general assembly.

SECTION 13. Tennessee Code Annotated, Section 3-6-112(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b)(1) It shall be unlawful for any public service commissioner or any candidate therefor to knowingly solicit or accept contributions for election or reelection to such office in a primary or general election from any employee, owner, major stockholder, or officer of a company or business entity regulated by or seeking regulation by the public service commission pursuant to Sections 65-3-123, 65-4-104, 65-4-201, 65-15-107, 65-15-108 and 65-30-105.

(2) It shall be unlawful for any public service commissioner or candidate therefor to knowingly solicit or accept contributions for election or reelection to such office in a primary or general election from any political action committee or group which obtains more than fifty percent (50%) of its funding from employees, owners, officers, or major stockholders of any organization which is regulated by or seeking regulation by the public service commission pursuant to Sections 65-3-123, 65-4-104, 65-4-201, 65-15-107, 65-15-108 and 65-30-105.

(3) No candidate for state, local or federal office shall contribute any of the candidate's campaign funds to any public service commissioner or candidate therefor if such candidate accepts contributions from:

(A) Any employee, owner, major stockholder, or officer of a company or business entity which is regulated by or seeking regulation by the public service commission pursuant to §§ 65-3-123, 65-4-104, 65-4-201, 65-15-107, 65-15-108 and 65-30-105; or

(B) Any committee which obtains more than fifty percent (50%) of its funding from employees, owners, major stockholders or officers of any organization which is regulated by or seeking regulation by the public service commission pursuant to §§ 65-3-123, 65-4-104, 65-4-201, 65-15-107, 65-15-108 and 65-30-105.

SECTION 14. Tennessee Code Annotated, Section 2-10-105(c), is amended by adding the following new subdivision:

(6) Notwithstanding the filing times for post election reports established by the other provisions of this subsection:

(A) Each candidate for a state public office who is required to file a post election report for a May primary shall file such report ten (10) days following the first day of July.

Each report shall include transactions occurring since the preceding report through June 30.

(B) Each candidate for a state public office who is required to file a post election report for a regular August election shall file such report ten (10) days following the first day of September. Each report shall include transactions occurring since the preceding report through September

30.

(C) Each candidate for a state public office who is required to file a post election report for a regular November election shall file such report ten (10) days following the first day of January. Each report shall include transactions occurring since the preceding report through

December 31.

SECTION 15. Tennessee Code Annotated, Section 2-10-113, is amended by deleting the section in its entirety.

SECTION 16. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

SECTION 17. This act shall take effect on July 1, 1995, the public welfare requiring it, and shall only apply to contributions or expenditures made after that date.

#### Senate Amendment No. 3

AMEND House Bill No. 89 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall apply to candidates for \_\_\_\_\_ and members of the United States Congress.

#### Senate Amendment No. 6

AMEND House Bill No. 89 by inserting the following phrase in Section 1, at the beginning of Section 2-10-303(f), immediately before the words " Any expenditures made" :

Except for expenditures that are exempted under Tennessee Code Annotated, Section 2-10-306(b),

AND FURTHER AMEND by inserting the following new subsection in Section 1 at the beginning of Section 2-10-307 and relettering the existing language in the \_\_\_\_\_ section as subsection (b):



(a) No candidate or political campaign committee shall accept any contribution or make any expenditure in violation of the provisions of this part. No officer or employee of a political campaign committee shall accept a contribution made for the benefit or use of a candidate, or make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section.

AND FURTHER AMEND by inserting the following new subsection in Section 1 at the end of Section 2-10-308:

(d) If a civil penalty lawfully assessed against a candidate is not paid within thirty (30) days after the assessment becomes final, the candidate shall be ineligible to qualify for election to any state or local public office until such penalty is paid.

**Senate Amendment No. 10**

AMEND House Bill No. 89 by deleting Section 16 in its entirety and substituting in lieu thereof the following:

If the provisions of Section 2-10-302(c) or their application thereto to any person or circumstance is held invalid, then the provisions and applications of Section 2-10-302(a) and (b) of this act are declared to be invalid and void. If the provisions of any other section of this act or the application thereto to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the other invalid provision or application, and to that end the other provisions of this act are declared to be severable.

**Senate Amendment No. 11**

AMEND House Bill No. 89 by deleting Section 13 in its entirety and substituting in lieu thereof the following:

SECTION 13. Tennessee Code Annotated, Section 3-6-112, is amended by deleting that section in its entirety and substituting instead the following:

(a) For purposes of this chapter, the members of the public service commission shall be deemed to be members of the executive branch and shall also be subject to the additional requirements of this section.

(b)

(1) It shall be unlawful for any public service commissioner or any candidate therefor to knowingly solicit or accept contributions for election or reelection to such office in a primary or general election from any employee, owner, major stockholder, or officer of a company or business entity regulated by or seeking

regulation by the public service  
commission pursuant to Sections 65-3-123, 65-4-104, 65-4-  
201, 65-15-107, 65-15-108 and 65-30-105.

(2) It shall be unlawful for any public  
service commissioner or candidate  
therefor to knowingly solicit or accept  
contributions for election or reelection to such office in  
a primary or general election from any political action  
committee or group which obtains more than  
fifty percent (50%) of its funding from  
employees, owners, officers, or major  
stockholders of any organization which is regulated by or  
seeking regulation by the public service commission pursuant  
to Sections 65-3-123, 65-4-104, 65-4-201, 65-15-  
107, 65-15-108 and 65-30-105.

(3) No candidate for state, local or  
federal office shall contribute any of the  
candidate's campaign funds to any public service  
commissioner or candidate thereof if such candidate  
accepts contributions from:

(A) Any employee, owner, major  
stockholder, or officer of a company or business  
entity which is regulated by or  
seeking regulation by the public service  
commission pursuant to Sections 65-3-123, 65-4-104,  
65-4-201, 65-15-107, 65-15-108 and 65-30-105; or

(B) Any committee which obtains more  
than fifty percent (50%) of its funding  
from employees, owners, major stockholders  
or officers of any organization  
which is regulated by or seeking regulation  
by the public service commission pursuant to Sections  
65-3-123, 65-4-104, 65-4-201, 65-15-107, 65-15-108  
and 65-30-105.

(c) In addition to the other requirements of  
Tennessee Code Annotated, Section 2-10-107(a)(2)(A),  
all statements filed by a candidate for the public  
service commission shall list the occupation and  
employer of each person who contributed a total of more than  
one hundred dollars (\$100) during the period for which the  
statement is submitted.

(d) The provisions of this section shall not  
alter the provisions of Sections 65-1-103 or 65-1-  
109.

**Senate Amendment No. 1 to Senate Amendment No. 11**

AMEND House Bill No. 89 to Section 13 the following new  
subsection:

( ) In addition to any other restrictions contained  
in this chapter, any employee, owner, major stockholder  
or officer of a company regulated by the public service

commission shall be prohibited from making expenditures other than political contributions in excess of a cumulative total of twenty-five dollars (\$25.00) during a single week or in excess of a total of three hundred dollars (\$300.00) in a six-month period to benefit any member of the public service commission. For the purpose of this subsection, expenditures by employees, owners, major stockholders or officers of the same company shall be aggregated for the purpose of determining whether the maximum expenditure for the relevant period has been reached.

**Senate Amendment No. 12**

AMEND House Bill No. 89 by adding the following new subsection to the end of Section 2-10-303 in Section 1:

( ) Contributions accepted by a candidate after the candidate's general election, or the candidate's primary election with respect to a losing primary candidate, and before the appointment of a treasurer for a new election pursuant to Tennessee Code Annotated, Section 2-10-105, shall be considered contributions to that final election and shall be subject to the limitations of this part.

**Senate Amendment No. 14**

AMEND House Bill No. 89 by deleting from Section 12(b) the language " may not conduct a fundraiser for the benefit of any member or candidate for the general assembly" and substituting instead the language " shall not conduct a fundraiser for the benefit of the caucus, any caucus member, or candidate for the general assembly" .

**Senate Amendment No. 20**

AMEND House Bill No. 89 by deleting the effective date section and by substituting instead the following:

SECTION \_\_\_\_\_. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1995, the public welfare requiring it, and shall apply to contribution or expenditures made after July 1, 1995.

**Senate Amendment No. 22**

AMEND House Bill No. 89 by deleting the effective date section and by substituting instead the following:

SECTION \_\_\_\_\_. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 1996, the public welfare requiring it and shall only apply to contributions and expenditures made after January 1, 1996.

**Senate Amendment No. 23**

AMEND House Bill No. 89 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

this act to the Section \_\_\_\_\_. Notwithstanding the other provisions of  
contrary, the following limits shall apply:  
than one (1) A statewide candidate may not expend more  
dollar for each citizen in the state.  
more than one (2) A congressional candidate may not expend  
candidate. tenth of the limit for a statewide  
than one (3) A state senate candidate may not expend more  
candidate. half of the limit for a congressional  
expended more (4) A state representative candidate may not  
senate candidate. than one half of the limit for a state

Rep. Kisber moved that the House non-concur in Senate Amendment(s) No(s). 1, 3, 6, 10, 11, as amended, 12, 14, 20, 22 and 23 to **House Bill No. 89**, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 693** -- Gas, Petroleum Products, Volatile Oils -  
- Revises Liquefied Petroleum Safety Act. Amends TCA Title 68,  
Chapter 135. by \*Head (SB1115 by \*Cooper).

Rep. Head moved that House Bill No. 693 be reset to the Message Calendar for Wednesday, April 19, 1995, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENT**

**House Bill No. 1351** -- Taxes, Real Property -- Clarifies that payment in full of property tax by delinquency date is not a condition of eligibility for tax relief; permits director of division of property assessments to waive deadline for good cause. Amends TCA Section 67-5-701. by \*Kisber(\*SB1019 by \*Henry).

**Senate Amendment No. 1**

AMEND House Bill No. 1351 by adding the following sentence at the end of the amendatory language of Section 2:

No deadline may be extended hereunder beyond December 31 of the year following the tax year.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1351**, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

#### UNFINISHED BUSINESS

##### RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the immediate introduction of House Joint Resolution No. 235 out of order, which motion prevailed.

**House Joint Resolution No. 235** -- General Assembly, Adjournment, Recess -- Recesses 99th General Assembly on April 27, 1995; reconvenes on May 15, 1995; adjourns on May 25, 1995. by \*Purcell, \*Bittle.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, the resolution was adopted.

A motion to reconsider was tabled.

##### RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the immediate introduction of House Resolution No. 50 out of order, which motion prevailed.

**House Resolution No. 50** -- Memorials, Recognition and Thanks -- Kids Earth Flag. by \*Purcell, \*Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, the resolution was adopted.

A motion to reconsider was tabled.

##### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 1709:** Rep(s). Eckles as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). West was/were removed as sponsor(s) of **House Bill No. 111.**

**MESSAGE FROM THE SENATE**  
**April 17, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 229; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 17, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 226; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE GOVERNOR**  
**April 17, 1995**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 584; also, House Joint Resolution(s) No(s). 56, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 199, 200, 201, 211, 212 and 218; with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE SENATE**  
**April 17, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 213, 214 and 215; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 17, 1995**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1202; the Senate took no further action on the bill.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 17, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 17; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**  
**April 17, 1995**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 12, 1011, 1125,

1455, 1713, 1865 and 1878; also, House Joint Resolution(s) No(s). 163, 164, 165, 227, 228 and 235.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

**RECESS MOTION**

Rep. Purcell moved that the House stand in recess, pursuant to House Joint Resolution No. 229 to meet with the Senate in Joint Convention to recognize former women in the legislature, after which the House recessed until 2:00 p.m., Wednesday, April 19, 1995, which motion prevailed.